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December 7, 2016

VIA ECF

Honorable Judge Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Rosario v. Mis Hijos Deli Corp, et. al.,
15 CV 6049 (LTS)(DF)

Dear Judge Swain:

This firm represents Plaintiff Manuel Rosario in the above-referenced action brought against Defendants for wage violations under the FLSA and NYLL. I write to request permission to supplement Plaintiff's opposition to Defendants' motions for summary judgment. *The Proposed Supplement to Opposition is annexed hereto and filed herewith.*

After Plaintiff submitted the opposition to Defendants' motions for summary judgment, counsel for the Plaintiff was able to obtain the annual reports Defendants submitted to the NYC Housing Preservation and Development in connection with the operation and management of 251 E 12rd Street Realty LLC, the LLC that owns the building where the Plaintiff worked. It is respectfully submitted that the Court should consider this supplement and the exhibits thereto as the supplement and the exhibits directly contradict critical, sworn deposition testimony and sworn affidavits submitted by the Defendants in the summary judgment motion.

As is more fully set forth in the supplemental to opposition, the HPD documents establish that Junior Palma acted both as the manager and superintendent of defendant Mis Hijos Deli and defendant 251 E 12rd Street Realty LLC. It is respectfully suggested that these documents are critical for the Court's consideration of the summary judgment motion as the documents go the heart of the issue with regard to the one of the Defendant's motions. In addition, the documents should be considered as they directly contradict sworn deposition and affidavit testimony.

These documents could not have been included in Plaintiff's original submission in opposition because these documents were never produced by Defendants during discovery despite demand having been made for the documents. These documents were not produced by the Defendants and were recently discovered.

Defendants will not be prejudiced by this supplement to opposition. Defendants cannot claim surprise as the annual reports were prepared on behalf of and signed by defendants Jose Palma, Junior Palma, and 251 E. 123rd St. Realty LLC. These are document which should have been produced by the defendants but were not produced. Further, the most recent of these annual reports was submitted during the pendency of this matter. Defendants also still have two weeks before their reply to Plaintiff's opposition is due. Therefore, Defendants have more than sufficient time to respond to this minor supplement. To the extend more time is needed, Defendants can seek a reasonable amount of additional time without objection from the Plaintiff.

Respectfully,


STEVEN ROSS